

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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YOANDY FERNANDEZ MORALES,

Plaintiff,

v.

BENEDICTO GUTIERREZ,

Defendant.

Case No. 2:20-cv-00679-APG-EJY

**Order**

Pending before the Court is Plaintiff's Motion for an Order Compelling Discovery per Federal Rule of Civil Procedure 37(a). ECF No. 27. A review of Plaintiff's Motion shows that he has not attempted to meet and confer with Defendant before filing his Motion.

Local Rule 26-6(c) states: "Discovery motions will not be considered unless the movant (1) has made a good-faith effort to meet and confer as defined in LR IA 1-3(f) before filing the motion, and (2) includes a declaration setting forth the details and results of the meet-and-confer conference about each disputed discovery request." Local Rule IA 1-3(f) defines meet and confer: "To meet and confer means to communicate directly and discuss in good faith the issues required under the particular rule or court order. This requirement is reciprocal and applies to all participants. Unless these rules or a court order provide otherwise, this requirement may only be satisfied through direct dialogue and discussion in a face-to-face meeting, telephone conference, or video conference." Plaintiff's status as appearing *in proper person* does not excuse the requirement to meet and confer.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion for an Order Compelling Discovery (ECF No. 27) is DENIED **without prejudice**.

IT IS FURTHER ORDERED that counsel for Defendant shall assist in arranging a telephonic meet and confer with Plaintiff by contacting the facility at which he is housed to confirm a date and time that a call to Plaintiff will be made and Plaintiff will be available to accept that call. Defense

1 counsel shall use best efforts to arrange the meet and confer within thirty (30) days of the date of  
2 this Order.

3 IT IS FURTHER ORDERED that following the conclusion of the meet and confer, if all  
4 issues are not resolved, Plaintiff may refile his Motion to Compel identifying only the unresolved  
5 issues for the Court to consider. Defendant may, as appropriate, file a motion for protective order if  
6 Defendant deems it necessary.

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8 Dated this 10th day of December, 2021.

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11 ELAYNA J. YOUCHAH  
12 UNITED STATES MAGISTRATE JUDGE  
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